

U.S. DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

FILED

JAN - 9 2015

SEALED

United States District Court

CLERK, U.S. DISTRICT COURT

By

NORTHERN

DISTRICT OF

TEXAS

Deputy

In the Matter of the Search of

(Name, address or Brief description of person, property or premises to be searched)

Black Sentry Safe, specifically a "privacy lock chest" measuring approximately 6" x 14" x 11" currently in the custody of USPIS, 251 W. Lancaster Blvd., Fort Worth, TX 76102, which is more fully described in Attachment A

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 3:15-MJ-

3-15MJ010-BHI Gregory C. Carter being duly sworn depose and say:

I am a(n) Postal Inspector with the United States Postal Inspection Service (USPIS) and have reason to believe that on the person of or XX on the property or premises known as (name, description and/or location)

(SEE ATTACHMENT A).

in the NORTHERN District of TEXAS there is now concealed a certain person or property, namely (describe the person or property to be seized)

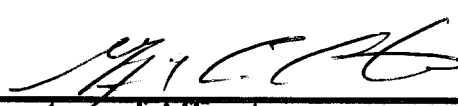
(SEE ATTACHMENT B).

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

property that constitutes evidence of the commission of a crime, contraband, the fruits of crime, and is, otherwise, criminally possessed, **concerning a violation of Title 18 United States code, Section(s) 1708**. The facts to support a finding of Probable Cause are as follows:

(SEE ATTACHED AFFIDAVIT OF POSTAL INSPECTOR GREGORY C. CARTER).

Continued on the attached sheet and made a part hereof. XX Yes No


Signature of Affiant
GREGORY C. CARTER
Postal Inspector, USPIS

Sworn to before me, and subscribed in my presence

January 9, 2015

Date

at

Dallas, Texas

City and State

IRMA C. RAMIREZ

United States Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT A

The property to be searched is a **black Sentry Safe, specifically a “privacy lock chest” measuring approximately 6”x 14” x 11”** (pictured below).

The property to be searched is currently located at United States Postal Inspection Service, 251 W. Lancaster Blvd, Fort Worth, TX 76102 and has been in the possession of the United States Postal Inspection Service since July 21, 2014.



ATTACHMENT B

All records and information relating to a violation of 18 U.S.C. § 1708 (Theft or Receipt of Stolen Mail Matter) including the following:

- a. Books, records, receipts, bank statements, bank records, money drafts, letters of credit, wire transfers, money orders, cashier's checks, bank checks, credit card statements, and other items that indicate the obtaining, secreting, and use of stolen U.S. Mail.
- b. Any and all stolen U.S. Mail to include letters, post cards, packages, bags, or mail, or any article or thing that may be contained within U.S. mail, including, checks, money orders, gift cards, envelopes, stamps, payment slips and any other item that could be stolen from U.S. Mail.
- c. Any documents pertaining to the fraudulent use of others identity, namely drivers licenses, ID cards, Social Security Cards, Birth Certificates, and any other official document or falsification thereof, which facilitate crimes against the U.S. Mail or identity crimes derived from the U.S. Mail.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, G.C. Carter, a Postal Inspector with the United States Postal Inspection Service (USPIS), being duly sworn, state the following:

INTRODUCTION

I make this affidavit in support of an application for a search warrant for the contents of a **black Sentry Safe, specifically a “privacy lock chest” measuring approximately 6”x 14” x 11”**. As set forth herein, I respectfully submit that there is probable cause to believe the items sought by this search warrant constitute evidence of violation of 18 U.S.C. § 1708.

I am a United States Postal Inspector and have been so employed for approximately 12 years. I am presently assigned to the Fort Worth Division Dallas External Crimes Team. As part of my duties as a Postal Inspector, I investigate financial crimes and identity theft involving the use of the U.S. Mail. I also investigate the use of the U.S. Mail to illegally send and receive documents that contain false or misappropriated identification used to obtain credit cards, loans, or other items of value. As part of this assignment, I received formal training from the U.S. Postal Inspection Service and training through contact with experts from various law enforcement agencies. I have received training in the enforcement of laws and methods of investigation. I have conducted and participated in criminal investigations utilizing various methods of investigation.

As a federal agent, your affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants issued

under the authority of the United States.

IDENTIFICATION OF THE DEVICE TO BE EXAMINED

The property to be searched is a **black Sentry Safe, specifically a “privacy lock chest” measuring approximately 6”x 14” x 11”**. The property is currently located at United States Postal Inspection Service, 251 W. Lancaster Boulevard, Fort Worth, Texas 76102.

The applied-for warrant would authorize the search of the property for the purpose of obtaining additional evidence or recovery of U.S. Mail and/or other items pertaining to mail theft, particularly described in Attachment B.

FACTS SUPPORTING PROBABLE CAUSE

Since the affidavit is being submitted for the limited purpose of supporting a search warrant, I have not included each and every known fact concerning this investigation. I have set forth only the facts believed necessary to establish probable cause to obtain said warrant. Where statements of others are set forth in this affidavit, they are set forth in substance and are not verbatim. The information contained in this affidavit is based on my personal observations and experiences, in addition to information obtained by other law enforcement agents, witnesses and documents.

Specifically, based upon all of the facts and information set forth in this affidavit, your affiant respectfully states that there is probable cause to believe that evidence, fruits, and instrumentalities of violation of 18 U.S.C. § 1708 can be found located within the property.

Beginning at approximately 11:00 p.m. on July 20, 2014, and continuing until approximately 6:00 a.m. on July 21, 2014, Inspectors John Freyman and I conducted rolling

surveillance (via a court-ordered GPS tracking device) of a white Chevrolet Impala driven by Christopher Richard. I had previously identified Richard as a suspect responsible for stealing mail, via a technique known as “fishing”, from various blue United States Postal Service (USPS) collection boxes throughout the Dallas area. Richard had also been previously identified as depositing washed/stolen money orders from USPS collection boxes into a bank account owned by his grandmother, Sheryl Ann Richard.

“Fishing” is accomplished by using a weighted object, covered in a sticky substance, (typically rat trap glue) with a string attached. The device is placed into a USPS collection box, U.S. Mail sticks to it, and when the device is removed, the mail is also removed from the box. Some suspects are also known to use vertical window blinds (due to their flexible nature) weighted at one end to accomplish the “fishing”. The fishing can be discovered when the suspects leave various amounts of a sticky substance on the lip of the collection boxes or the fishing device is left inside the boxes.

At approximately 5:45 a.m., I observed occupants of the white Chevrolet Impala “fishing” U.S. Mail from the collection boxes at the Robert E. Price Post Office located at 8135 Forest Lane, Dallas, Texas 75230. I witnessed the white Chevrolet Impala arrive at the collection boxes, stop, then slowly moving forward and the driver removing U.S. Mail from all 3 USPS collection boxes at that station. With the use of binoculars, I was able to positively identify that Richard was driving the vehicle. There also was a black male passenger in the front passenger seat unknown to me at the time. Richard then drove to the Richland Post Office, approximately 2 miles from the Robert E. Price Post Office, located at

9130 Markville Drive, Dallas, Texas 75243. Inspector Freyman and I were only able to observe the white Chevrolet Impala pulling away from the collection boxes at that station upon our arrival. Richard then drove the white Chevrolet Impala back to the Robert E. Price Post Office and was observed "fishing" from those boxes again in the same manner as the time we observed the white Chevrolet Impala earlier.

At approximately 5:55 a.m., we decided to make a felony vehicle stop of the white Chevrolet Impala. Inspector Freyman and I were in separate vehicles. When the white Chevrolet Impala turned west onto Forest Lane, we activated our emergency lights and sirens. Richard did not pull over and turned north onto the service road of North Central Expressway. Richard attempted to accelerate, however, an unknown citizen in a vehicle slowed in front of him as Inspector Freyman positioned his LEV (Law Enforcement Vehicle) next to the white Chevrolet Impala. Inspector Freyman then blocked Richard's vehicle by pulling in front of it, preventing escape, and the unknown citizen's vehicle pulled away. It was only at that time that Richard stopped the white Chevrolet Impala. I was positioned behind Richard's vehicle preventing any escape from the rear. Inspector Freyman removed Richard from the vehicle and placed him in handcuffs without incident. Inspector Freyman then removed the passenger, later identified as Devoderick Freeman, from the vehicle and he was placed into handcuffs without incident. Photographs of the white Chevrolet Impala were taken, and then for safety reasons, that vehicle, along with the Inspectors' LEVs were moved into the parking lot of Christian Brothers Automotive, 11870 North Central Expressway, Dallas, Texas 75243.

Richard and Freeman were both verbally provided their Miranda Warnings by Inspector Freyman. Richard was then interviewed by Inspector Freyman and Freeman was interviewed by Inspector Carter. Richard denied involvement in anything criminal and disowned anything inside of the vehicle. Freeman also would not admit to any involvement in anything criminal, including stealing U.S. Mail. At the conclusion of the short interviews, Inspector Freyman searched the white Chevrolet Impala incident to the arrest of both individuals. During the search, numerous pieces of U.S. Mail were found in various areas of the vehicle including the front and rear seats and floorboards. Boxes of rat trap glue and a "fishing device" constructed of a vertical window blind and duct tape were also discovered in the back seat behind the driver's seat.

During the search, a **locked black Sentry Safe (property to be searched)** was located in the front passenger seat floorboard where Freeman was sitting. Numerous checks and other pieces of what appeared to be stolen U.S. Mail were found loose on the front passenger seat floorboard and also inside of a pink backpack located on the floorboard. I noted what appeared to be part of a pink envelope, possibly containing a greeting card, protruding from inside the safe to the outside of the safe through the closed opening. Also located in the search was what appeared to be a key to the safe, as it was marked "Sentry", on the key ring attached to the vehicle's keychain, a black and white striped lanyard. Both were seized as evidence.

Richard was questioned regarding the safe and asked consent to open it; however, he stated that the safe was not his and he did not have the key, even though I showed the key

marked "Sentry" to him that was on the key ring. Again, he denied ownership of the safe or its contents. Freeman was also questioned about the safe; however, he offered no knowledge of the safe's owner or contents.

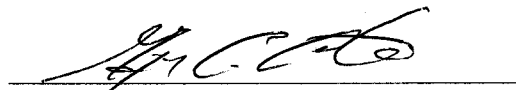
CONCLUSION

Based upon the information above, your affiant believes that there is probable cause that within the property there exists fruits, instrumentalities, and evidence of violation of 18 U.S.C. § 1708, specifically stolen U.S. Mail.

Because this warrant seeks only permission to search inside property already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premise. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

I respectfully request that a search warrant be issued, authorizing me with the appropriate assistance from other qualified Federal law enforcement or personnel duly authorized by federal law enforcement agents, to search the property specified and pictured in Attachment A, located in USPIS' custody at 251 W. Lancaster Blvd, Fort Worth, Texas 76102, and therein search for and seize the items as set forth in Attachment B.

Respectfully submitted,



Gregory C. Carter
U.S. Postal Inspector

Subscribed and sworn to before me on this the 9th day of Jan, 2015



IRMA CARRILLO RAMIREZ
United States Magistrate Judge
Northern District of Texas